

**CHAPTER 1119****OBSOLETE AND UNNECESSARY CODE PROVISIONS CORRECTIONS***H.F. 2271*

**AN ACT** relating to obsolete and unnecessary provisions of the Code.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I****ETHICS AND CAMPAIGN DISCLOSURE BOARD**

Section 1. Section 49.51, unnumbered paragraph 2, Code 1997, is amended by striking the unnumbered paragraph.

**DIVISION II****DEPARTMENT OF COMMERCE  
INSURANCE DIVISION**

Sec. 2. Section 502.202, subsection 16, Code Supplement 1997, is amended by striking the subsection.

Sec. 3. Section 505.8, subsection 5, paragraphs a, b, c, and e, Code Supplement 1997, are amended by striking the paragraphs.

Sec. 4. Section 505.13, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 5. Chapter 144C, Code 1997, is repealed effective February 28, 1999.

Sec. 6. Sections 523G.10 and 523G.11, Code 1997, are repealed.

**PROFESSIONAL LICENSING AND REGULATION**

Sec. 7. Section 7A.4, subsections 5 and 6, Code 1997, are amended by striking the subsections.

Sec. 8. Section 272C.4, subsection 2, Code Supplement 1997, is amended by striking the subsection.

Sec. 9. Section 542C.3, subsection 3, unnumbered paragraph 2, Code Supplement 1997, is amended by striking the unnumbered paragraph.

Sec. 10. Section 544B.19, Code 1997, is amended to read as follows:  
544B.19 INJUNCTION.

In addition to any other remedies, and on the petition of the board or any person, any person violating any of the provisions of sections 544B.1 to 544B.5 and 544B.7 to 544B.21 may be restrained and permanently enjoined from committing or continuing the violations.

Sec. 11. Sections 542B.10, 544A.4, and 544B.6, Code Supplement 1997, are repealed.

**DIVISION III****DEPARTMENT OF INSPECTIONS AND APPEALS**

Sec. 12. Section 135C.2, subsection 5, paragraph f, Code 1997, is amended by striking the paragraph.

DIVISION IV  
DEPARTMENT OF GENERAL SERVICES

Sec. 13. Section 2B.1, subsection 3, Code 1997, is amended to read as follows:

3. The Iowa Code and administrative code divisions are responsible for the editing, compiling, and proofreading of the publications they prepare, as provided in this chapter ~~and notwithstanding section 18.76~~. The Iowa Code division is entitled to the temporary possession of the original enrolled Acts and resolutions as necessary to prepare them for publication.

Sec. 14. Section 18.3, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Insuring motor vehicles owned by the state. Insurance coverage may be provided through a self-insurance program administered by the department or purchased from an insurer. If the department uses a self-insurance program, the department shall maintain loss and exposure data for vehicles under the jurisdiction of the state fleet administrator. Upon request, state agencies shall provide all loss and exposure information to the department.

Sec. 15. Section 18.6, subsection 12, Code 1997, is amended by striking the subsection.

Sec. 16. Section 18.12, subsection 9, Code 1997, is amended to read as follows:

9. a. Lease all buildings and office space necessary to carry out the provisions of this chapter or necessary for the proper functioning of any state agency at the seat of government, with the approval of the executive council if no specific appropriation has been made. The cost of any lease for which no specific appropriation has been made shall be paid from the fund provided in section 7D.29.

b. When the general assembly is not in session, the director ~~of general services~~ may request ~~funds~~ moneys from the executive council for moving state agencies located at the seat of government from one location to another. The request may include moving costs, ~~telephone~~ telecommunications costs, repair costs, or any other costs relating to the move. The executive council may approve and shall pay the costs from funds provided in section 7D.29 if it determines the agency or department has no available funds for these expenses.

c. Coordinate the leasing of buildings and office space by state agencies throughout the state and develop cooperative relationships with the state board of regents in order to promote the colocation of state agencies.

Sec. 17. Section 18.12, subsection 12, Code 1997, is amended by striking the subsection.

Sec. 18. Section 18.16, subsection 2, Code 1997, is amended to read as follows:

2. The director shall pay the lease or rental fees to the renter or lessor and submit a monthly statement to each state agency for which building and office space is rented or leased. The If the director pays the lease or rental fees on behalf of a state agency, the state agency's payment to the department shall be credited to the rent revolving fund established by this section. With the approval of the director, a state agency may pay the lease or rental cost shall be paid by the state agency to the department of general services in the same manner as other expenses of the state agency are paid and the payment shall be credited to the rent revolving fund directly to the person who is due the payment under the lease or rental agreement.

Sec. 19. Section 18.18, subsection 1, paragraphs a, b, and c, Code 1997, are amended to read as follows:

a. ~~By July 1, 1991, one~~ One hundred percent of the purchases of inks which are used for newsprint printing services performed internally or contracted for by the department shall be soybean-based.

b. ~~By July 1, 1993, one~~ One hundred percent of the purchases of inks, other than inks which are used for newsprint printing services, and which are used internally or contracted

for by the department, shall be soybean-based to the extent formulations for such inks are available.

c. ~~By July 1, 1995, a~~ A minimum of ten percent of the purchases of garbage can liners made by the department shall be plastic garbage can liners with recycled content. The percentage shall increase by ten percent annually until fifty percent of the purchases of garbage can liners are plastic garbage can liners with recycled content.

Sec. 20. Section 18.18, subsection 5, Code 1997, is amended to read as follows:

5. Information on recycled content shall be requested on all bids for paper products issued by the state and on other bids for products which could have recycled content such as oil, plastic products, including but not limited to ~~starch-based plastic products~~, compost materials, aggregate, solvents, soybean-based inks, and rubber products.

Sec. 21. Section 18.20, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The department in accordance with recommendations made by the department of natural resources shall require all state agencies to establish an agency wastepaper recycling program ~~by January 1, 1990~~. The director shall adopt rules which require a state agency to develop a program to ensure the recycling of the wastepaper generated by the agency. ~~Each agency shall submit a report to the general assembly meeting in January 1990, which includes a description of the program plan and the agency's efforts to use recycled products.~~ All state employees shall practice conservation of paper materials.

Sec. 22. Section 18.28, unnumbered paragraph 2, Code 1997, is amended by striking the unnumbered paragraph.

Sec. 23. Section 18.46, Code 1997, is amended to read as follows:

18.46 WRITTEN AUTHORIZATION OF ORDERS.

~~No printing~~ Printing shall ~~not~~ be performed under any contract except ~~on written orders therefor, on detailed forms prescribed as authorized by the director, and signed by the director or by some person authorized by the director.~~ Each order shall designate the contract under which the order is given; and the class, quantity, and kind of the required printing; ~~the definite quantity and kind thereof, and be issued in duplicate with a stub copy preserved. A separate series of stubs and duplicates shall be used for each class of printing.~~

Sec. 24. Section 18.115, Code 1997, is amended to read as follows:

18.115 VEHICLE DISPATCHER STATE FLEET ADMINISTRATOR — EMPLOYEES — POWERS AND DUTIES — FUEL ECONOMY REQUIREMENTS.

The director of the department of general services shall appoint a state ~~vehicle dispatcher~~ fleet administrator and other employees as necessary to administer this division. The state ~~vehicle dispatcher~~ fleet administrator shall serve at the pleasure of the director and is not governed by the merit system provisions of chapter 19A. Subject to the approval of the director, the state ~~vehicle dispatcher~~ fleet administrator has the following duties:

1. The ~~dispatcher~~ state fleet administrator shall assign to a state officer or employee or to a state ~~office, department, bureau, or commission~~ agency, one or more motor vehicles which may be required by the ~~state officer or employee or department state agency~~, after the ~~state officer or employee or department state agency~~ has shown the necessity for such transportation. The state ~~vehicle dispatcher~~ shall ~~have the power to~~ fleet administrator may assign a motor vehicle either for part time or full time. ~~The dispatcher shall have the right to~~ state fleet administrator may revoke the assignment at any time.

2. The state ~~vehicle dispatcher~~ fleet administrator may cause all state-owned motor vehicles to be inspected periodically. Whenever the inspection reveals that repairs have been improperly made on the motor vehicle or that the operator is not giving it the proper care, the ~~dispatcher~~ state fleet administrator shall report this fact to the head of the ~~department~~ state agency to which the motor vehicle has been assigned, together with recommendation for improvement.

3. The state ~~vehicle dispatcher~~ fleet administrator shall install a record system for the keeping of records of the total number of miles state-owned motor vehicles are driven and the per-mile cost of operation of each motor vehicle. Every state officer or employee shall keep a record book to be furnished by the state ~~vehicle dispatcher~~ fleet administrator in which the officer or employee shall enter all purchases of gasoline, lubricating oil, grease, and other incidental expense in the operation of the motor vehicle assigned to the officer or employee, giving the quantity and price of each purchase, including the cost and nature of all repairs on the motor vehicle. Each operator of a state-owned motor vehicle shall promptly prepare a report at the end of each month on forms furnished by the state ~~vehicle dispatcher~~ fleet administrator and ~~forward the same~~ forwarded to the ~~dispatcher at the statehouse~~ state fleet administrator, giving the information the state ~~vehicle dispatcher~~ fleet administrator may request in the report. ~~The~~ Each month the state ~~vehicle dispatcher~~ fleet administrator shall ~~each month~~ compile the costs and mileage of state-owned motor vehicles from the reports and keep a cost history ~~card on for~~ for each motor vehicle and the costs shall be reduced to a cost-per-mile basis for each motor vehicle. ~~It shall be the duty of the~~ The state ~~vehicle dispatcher~~ fleet administrator shall call to the attention of ~~an elected official~~ the head of any department state agency to which a motor vehicle has been assigned any evidence of the mishandling or misuse of ~~any a~~ any a state-owned motor vehicle which is called to the ~~dispatcher's~~ state fleet administrator's attention.

PARAGRAPH DIVIDED. A motor vehicle operated under this subsection shall not operate on gasoline other than gasoline blended with at least ten percent ethanol, unless under emergency circumstances. A state-issued credit card used to purchase gasoline shall not be valid to purchase gasoline other than gasoline blended with at least ten percent ethanol, if commercially available. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on gasoline blended with ethanol. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

4. The state ~~vehicle dispatcher~~ fleet administrator shall purchase all motor vehicles for all branches of the state government, except the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other ~~agencies~~ state agency exempted by law. ~~Before purchasing any new motor vehicle the dispatcher shall make requests for public bids by advertisement and shall purchase the vehicles from the lowest responsible bidder for the type and make of motor vehicle designated.~~ The state fleet administrator shall purchase new vehicles in accordance with competitive bidding procedures for items or services as provided in this chapter. The ~~vehicle dispatcher~~ state fleet administrator may purchase used or preowned vehicles at governmental or dealer auctions if the purchase is determined to be in the best interests of the state.

~~In conjunction with the requirements of section 18.3, subsection 1, effective January 1, 1991, the~~ The state ~~vehicle dispatcher~~ fleet administrator, and any other state agency, ~~which for purposes of this subsection includes but is not limited to community colleges and institutions under the control of the state board of regents,~~ or local governmental political subdivision purchasing new motor vehicles ~~for other than law enforcement purposes,~~ shall purchase new passenger vehicles and light trucks ~~such so~~ so that the average fuel efficiency for the fleet of new passenger vehicles and light trucks purchased in that year ~~by the state vehicle dispatcher or other state agency or local governmental political subdivision~~ equals or exceeds the average fuel economy standard for the vehicles' model year as established by the United States secretary of transportation under 15 U.S.C. § 2002. This paragraph does not apply to vehicles purchased for ~~any of the following:~~ law enforcement purposes, school buses, or used for off-road maintenance work, or work vehicles used to pull loaded trailers. ~~The group of comparable vehicles within the total fleet purchased by the state vehicle dispatcher, or any other state agency or local governmental political subdivision purchasing motor vehicles for other than law enforcement purposes, shall have an average fuel efficiency rating equal to or exceeding the average fuel economy rating for that model year for that class of comparable vehicles as defined in 40 C.F.R. § 315-82. As used in this para-~~

graph, "fuel economy" means the average number of miles traveled by an automobile per gallon of gasoline consumed as determined by the United States environmental protection agency administrator in accordance with 26 U.S.C. § 4064(e). For purposes of this paragraph, "state agency" includes, but is not limited to, a community college or an institution under the control of the state board of regents.

~~The~~ Not later than February 15 of each year, the state vehicle dispatcher fleet administrator shall annually report compliance with the corporate average combined fuel economy standards published by the United States secretary of transportation for all new motor vehicles purchased by classification, other than motor vehicles purchased by the state department of transportation, institutions under the control of the state board of regents, the department for the blind, and any other state agency exempted from the requirements of this subsection. The report of compliance shall classify the vehicles purchased for the current vehicle model year using the following categories: (passenger automobiles, enforcement automobiles, vans, and light trucks) no later than January 31 of each year to the department of management and the energy and geological resources division of. The state fleet administrator shall deliver a copy of the report to the department of natural resources. As used in this paragraph, "combined corporate average fuel economy" means the combined corporate average fuel economy as defined in 40 49 C.F.R. § 600.002 533.5.

a. ~~Effective January 1, 1993, the~~ The state vehicle dispatcher, after consultation with the department of management and the various state agencies exempted from obtaining vehicles for use through the state vehicle dispatcher, shall adopt by rule pursuant to chapter 17A, a system of uniform standards for assigning fleet administrator shall assign motor vehicles available for use to maximize the average passenger miles per gallon of motor vehicle fuel consumed. The standards should In assigning motor vehicles, the state fleet administrator shall consider standards established by the state fleet administrator, which may include but are not limited to the number of passengers traveling to a destination, the fuel economy of and passenger capacity of vehicles available for assignment, and any other relevant information, to assure assignment of the most energy efficient vehicle or combination of vehicles for a trip from those vehicles available for assignment. The standards adopted by the state vehicle dispatcher shall not apply to special work vehicles; and law enforcement vehicles. The rules when adopted standards shall apply to the following agencies:

- (1) ~~State vehicle dispatcher~~ fleet administrator.
- (2) State department of transportation.
- (3) Institutions under the control of the state board of regents.
- (4) The department for the blind.
- (5) Any other state agency exempted from obtaining vehicles for use through the state ~~vehicle dispatcher~~ fleet administrator.

b. As used in paragraph "a", "fuel economy" means the average number of miles traveled by an automobile per gallon of gasoline consumed as determined by the United States environmental protection agency administrator in accordance with 26 U.S.C. § 4064(c).

5. Of all new passenger vehicles and light pickup trucks purchased by the state ~~vehicle dispatcher~~ fleet administrator, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion including but not limited to any of the following:

- a. A flexible fuel, which is any of the following:
  - (1) A fuel blended with not more than fifteen percent gasoline and at least eighty-five percent ethanol.
  - (2) A fuel which is a mixture of diesel fuel and processed soybean oil. At least twenty percent of the mixed fuel by volume must be processed soybean oil.
  - (3) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.2.
- b. Compressed or liquefied natural gas.
- c. Propane gas.

- d. Solar energy.
- e. Electricity.

The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or purchased and used for off-road maintenance work or to pull loaded trailers.

~~It is the intent of the general assembly that the members of the midwest energy compact promote the development and purchase of motor vehicles equipped with engines which utilize alternative methods of propulsion.~~

6. All used motor vehicles turned in to the state ~~vehicle dispatcher~~ fleet administrator shall be disposed of by public auction, and the sales shall be advertised in a newspaper of general circulation one week in advance of sale, and the receipts from the sale shall be deposited in the depreciation fund to the credit of that ~~department or state~~ agency turning in the vehicle; except that, in the case of a used motor vehicle of special design, the state ~~vehicle dispatcher~~ fleet administrator may, with the approval of the director, instead of selling it at public auction, authorize the motor vehicle to be traded for another vehicle of similar design. If a vehicle sustains damage and the cost to repair exceeds the wholesale value of the vehicle, the state ~~vehicle dispatcher~~ fleet administrator may dispose of the motor vehicle by obtaining two or more written salvage bids and the vehicle shall be sold to the highest responsible bidder.

7. The state ~~vehicle dispatcher~~ fleet administrator may authorize the establishment of motor pools consisting of a number of state-owned motor vehicles under the ~~dispatcher's state fleet administrator's~~ supervision and ~~which the dispatcher.~~ The state fleet administrator may ~~cause to be stored~~ store the motor vehicles in a public or private garage. If the state fleet administrator establishes a motor pool ~~is established by the state vehicle dispatcher,~~ any state officer or employee desiring the use of a state-owned motor vehicle on state business shall notify the state ~~vehicle dispatcher~~ fleet administrator of the need for a vehicle within a reasonable time prior to actual use of the motor vehicle. The state ~~vehicle dispatcher~~ fleet administrator may assign a motor vehicle from the motor pool to the state officer or employee. If two or more state officers or employees desire the use of a state-owned motor vehicle for a trip to the same destination for the same length of time, the state ~~vehicle dispatcher~~ fleet administrator may assign one vehicle to make the trip.

8. The state ~~vehicle dispatcher~~ fleet administrator shall ~~cause to be marked~~ require that a sign be placed on every each state-owned motor vehicle ~~a sign~~ in a conspicuous place which indicates its ownership by the state ~~except ears.~~ This requirement shall not apply to motor vehicles requested to be exempt by the commissioner of public safety or the director of the department of general services. All state-owned motor vehicles shall display registration plates bearing the word "official" except ~~ears~~ motor vehicles requested to be furnished with ordinary plates by the commissioner of public safety or the director of the department of general services pursuant to section 321.19. The state ~~vehicle dispatcher~~ fleet administrator shall keep an accurate record of the registration plates used on all ~~state ears~~ state-owned motor vehicles.

9. The state ~~vehicle dispatcher~~ shall have the authority to make such fleet administrator may adopt other rules regarding the operation of state-owned motor vehicles, with the approval of the director of the department of general services, as may be necessary to carry out the purpose of this chapter. All rules adopted by the ~~vehicle dispatcher~~ state fleet administrator shall be approved by the director before becoming effective.

10. All gasoline fuel used in state-owned automobiles shall be purchased at cost from the various installations or garages of the state department of transportation, state board of regents, department of human services, or state ~~ear~~ motor pools throughout the state, unless ~~such purchases are exempted by the vehicle dispatcher.~~ The vehicle dispatcher shall study and determine the reasonable accessibility of these state-owned sources for the purchase of gasoline. ~~If these~~ the state-owned sources for the purchase of gasoline fuel are not reasonably accessible, If the vehicle dispatcher state fleet administrator determines that state-owned sources for the purchase of fuel are not reasonably accessible, the state fleet administrator

shall authorize the purchase of gasoline fuel from other sources. The ~~vehicle dispatcher~~ state fleet administrator may prescribe a manner, other than the use of the revolving fund, in which the purchase of gasoline fuel from state-owned sources shall be ~~is~~ charged to the ~~department or state~~ agency responsible for the use of the automobile motor vehicle. The ~~vehicle dispatcher~~ state fleet administrator shall prescribe the manner in which oil and other normal automobile motor vehicle maintenance for state-owned automobiles motor vehicles may be purchased from private sources, if they cannot be reasonably obtained from a state car motor pool. The state ~~vehicle dispatcher~~ fleet administrator may advertise for bids and award contracts in accordance with competitive bidding procedures for items and services as provided in this chapter for the furnishing of gasoline fuel, oil, grease, and vehicle replacement parts for all state-owned motor vehicles. The state ~~vehicle dispatcher~~ fleet administrator and other state agencies, when advertising for bids for gasoline, shall also seek bids for ethanol-blended gasoline.

~~11. The state vehicle dispatcher is responsible for insuring motor vehicles owned by the state. Insurance coverage may be through a self insurance program administered by the department or purchased from an insurer. If the determination is made to utilize a self insurance program the vehicle dispatcher shall maintain loss and exposure data for the vehicles under the dispatcher's jurisdiction. Each agency shall provide to the department all requested motor vehicle loss and loss exposure information.~~

Sec. 25. NAME CHANGES — DIRECTIONS TO CODE EDITOR.

1. The Iowa Code editor shall change references to “superintendent of printing” to “state printing administrator” wherever the references appear in the Code.

2. The Iowa Code editor shall change references to “state vehicle dispatcher” to “state fleet administrator” wherever the references appear in the Code.

Sec. 26. Sections 18.41, 18.55, 18.56, 18.76, 18.78, and 18.79, Code 1997, are repealed.

DIVISION V  
DEPARTMENT OF PERSONNEL

Sec. 27. Section 19A.9, subsection 24, Code Supplement 1997, is amended by striking the subsection.

DIVISION VI  
DEPARTMENT OF REVENUE AND FINANCE

Sec. 28. Section 422.75, Code 1997, is amended to read as follows:

422.75 STATISTICS — PUBLICATION OF.

The department shall prepare and publish annually an annual report which shall include statistics reasonably available, with respect to the operation of this chapter, including amounts collected, classification of taxpayers, and such other facts as are deemed pertinent and valuable. The annual report shall also include the reports and information required pursuant to sections 421.1, subsection 5; 421.17, subsection 13; 421.17, subsection 34, paragraph “h”; 421.60, subsection 2, paragraphs “i” and “l”; and 1997 Iowa Acts, Senate File 529, section 22, subsection 5, paragraph “a”.

DIVISION VII  
SECRETARY OF STATE

Sec. 29. Section 50.19, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists which have not been electronically recorded, six months after the election if a contest is not pending. If a contest is pending all election

materials shall be preserved until final determination of the contest. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with chapter 48A, subchapter V. Nomination papers for primary election candidates for state and county offices shall be destroyed ten days before the general election, if a contest is not pending.

Approved April 17, 1998

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## CHAPTER 1120

### MANDATORY RECORDING OF CERTAIN REAL ESTATE CONTRACTS

H.F. 2281

**AN ACT** providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION.** 558.46 MANDATORY RECORDING OF CERTAIN RESIDENTIAL REAL ESTATE INSTALLMENT SALES CONTRACTS.

1. Every real estate installment sales contract transferring an interest in residential property shall be recorded by the contract seller with the county recorder in the county in which the real estate is situated not later than one hundred eighty days from the date the contract was signed by the contract seller and contract purchaser.

2. Failure to record a real estate contract required to be recorded by this section by the contract seller within the specified time limit is punishable by a fine not to exceed one hundred dollars per day for each day of violation. The county recorder shall record a real estate contract presented for recording even though not presented within one hundred eighty days of the signing of the contract. The county recorder shall forward to the county attorney a copy of each real estate contract recorded more than one hundred eighty days from the date the contract was signed by the contract seller and contract purchaser. The county attorney shall initiate action in the district court to enforce the provisions of this section. Fines collected pursuant to this subsection shall be deposited in the general fund of the county.

3. Failure to timely record shall not invalidate an otherwise valid real estate contract. However, a contract seller is prohibited from initiating forfeiture proceedings on the basis of a failure to comply with the terms of a real estate contract, if the contract has not been recorded.

4. If a real estate contract is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or a memorandum of the contract containing at least the names and addresses of all parties named in the contract, a description of all real property and interests in the real property subject to the contract, the length of the contract, and a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due.

5. For the purposes of this section, "residential property" includes commercial property consisting of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

6. This section applies to residential real estate installment sales contracts entered into before, on, or after July 1, 1998. However, such contracts entered into before July 1, 1998, shall not be subject to the fine in subsection 2.